

# **BOARD OF POLICE COMMISSIONERS**

## **Minutes of the Regular Board of Police Commissioners Meeting Thursday, November 18, 2004**

The regular meeting of the Detroit Board of Police Commissioners was held on Thursday, November 18, 2004, at 3:00 p.m., at Police Headquarters, 1300 Beaubien – Rm. 328-A, Detroit, Michigan 48226.

### **ATTENDANCE**

#### **Board Members Present**

Arthur Blackwell, II  
Erminia Ramirez **(ABS)**  
Jim Holley **(ABS)**  
Megan Norris  
Willie Hampton

#### **Department Personnel Present**

Chief Ella M. Bully-Cummings  
AC Walter Shoulders  
Deputy Chief Craig Schwartz  
Insp. Jamie Fields  
Sgt. Debbie Jackson  
Sgt. Romell Alexander  
PO Watson  
PO Maye  
PO Mike Woody

#### **Board Staff Present**

Dante' L. Goss, Executive Director  
E. Lynise Bryant-Weekes, Personnel Director  
Denise R. Hooks, Attorney/Supervising Inv.  
Arnold Sheard, Interim Chief Investigator

### **OTHERS PRESENT**

Ron Scott  
Aaron McCaughley

### **RECORDERS**

Jerome Adams  
Kellie Williams

### **1. CALL TO ORDER**

**Chairperson Blackwell** called the regular meeting of the Detroit Board of Police Commissioners to order at 3:20 p.m.

## **2. APPROVAL OF MINUTES**

♦ **Tuesday, November 9, 2004**

**MOTION:** **Comm. Blackwell** made the motion to approve the above Minutes.

**SECOND:** **Comm. Norris** seconded the motion.

**VOTE:** All in attendance voted in the affirmative.

## **3. REPORT FROM THE CHAIR**

**Comm. Hampton** stated I would like to contravene the suspension without pay from last week regarding Sergeant Patricia Loftis.

**Chairperson Blackwell** stated could someone refresh my memory?

**Comm. Norris** stated I just read the suspension because I wasn't at last week's meeting and I'm not going to contravene. This was a sergeant who had another job and was ordered not to work the other job. I believe was at the airport and she was ordered not to work there several times, and continued to work there.

**Chairperson Blackwell** stated they spent quite a lot of time on that the last meeting on that.

**Comm. Norris** stated is reflected in the minutes.

**Comm. Hampton** stated if I understand it correctly, she has twenty- seven (27) years seniority without a blemish on her record. We are not saying that disciplinary action should not be taken, but the suspension without pay should not be the roll out process.

**Exec. Dir. Goss** stated the suspension without pay of Sergeant Loftis has been contravened.

**Atty. Hooks** stated last week, with respect to the suspension without pay recommendation of Sergeant Patricia Loftis, Commissioner Ramirez did contravene on last week and now with the contravention of Commissioner

Hampton we have the two and therefore the suspension without pay recommendation will not be upheld.

#### **4. SECRETARY'S REPORT – EXEC. DIR. GOSS**

##### **IMPORTANT DATES**

Please note the following:

- The Board of Police Commissioners' will hold their Thursday meeting on ***Tuesday, November 23, 2004***, due to the Thanksgiving Day holiday.

##### **OFFICE CLOSINGS**

The Board of Police Commissioners Office and the Office of the Chief Investigator will be **closed** on the following dates:

- Thursday, November 25, 2004 and Friday, November 26, 2004 in observance of Thanksgiving Day.

##### **GENERAL ORDER (DIRECTIVE)**

The following General Order will be presented and discussed on Tuesday, November 23, 2004:

- **DIRECTIVE 303.1: DEPARTMENT VEHICLES**

##### **CITIZEN COMPLAINTS RECEIVED**

	<b><u>This Week</u></b>	<b><u>Year to Date</u></b>
<b>2004 - Weekly Count of Complaints:</b>	<b>49</b>	<b>1,447</b>
<b>2003 - Weekly Count of Complaints:</b>	<b>22</b>	<b>1,155</b>

#### **5. REPORT/PRESENTATION – CHIEF OF POLICE**

## **DETROIT POLICE DEPARTMENT**

BOARD OF POLICE COMMISSIONERS



BUILDING A SAFER DETROIT THROUGH COMMUNITY PARTNERSHIPS.

The Detroit Police Department is committed to uphold its mission to provide a safe environment for our residents and businesses. This effort is not possible without the joint commitment of the community and the Police Department. We appreciate and value the role our citizens have played in helping us to take guns and drugs off the streets of the city of Detroit.

### **SPECIAL ENFORCEMENT ACTIONS**

During the period of November 10<sup>th</sup> - 16<sup>th</sup>, the *Narcotics Enforcement and Conspiracy Units* conducted 24 search warrants and 27 street enforcement actions within the boundaries of the city of Detroit, resulting in the following arrests and confiscations:

- ◆ 30 Felony arrests
- ◆ 97 Misdemeanor arrests
- ◆ 5 Juveniles detained
- ◆ 256.5 Grams of cocaine, 136.2 grams of heroin, and 227,644.6 grams of marijuana - street value **\$1,276,338.00**
- ◆ \$22,104.00 U.S. currency

Confiscated:

- ◆ 1 Vehicle
- ◆ 10 Handguns
- ◆ 10 Long guns

On November 10<sup>th</sup> and 11<sup>th</sup>, *The Gang Enforcement Section* and *The Vice Unit* conducted enforcement actions within the boundaries of the city of Detroit, resulting in the following arrests and citations:

- ◆ 1 Arrested for "Violation of Controlled Substance Act"
- ◆ 1 Arrested for "Possession of Stolen Motor Vehicle"
- ◆ 8 Arrested for "Disorderly Conduct – Flagging"
- ◆ 4 Arrested for "Offer to Engage Another for the Act of Prostitution"
- ◆ 25 Grams of cocaine – street value **\$10,000.00**

Confiscated:

- ◆ 5 Vehicles

## Police/Community Intervention



TAKING THE GUNS OFF THE STREET !



Total Guns Confiscated  
Year-To-Date  
3,740

### SECOND PRECINCT

On November 12<sup>th</sup>, officers of the 2<sup>nd</sup> Precinct while on patrol in the area of Greenfield and the Jeffries Expressway, observed blue liquid coming from a diesel truck. Due to the officers' observations and quick response, the Detroit Fire/Hazmat Team was able to neutralize any potential threat to citizens or motorists.

### THIRD PRECINCT

On November 11<sup>th</sup>, officers of the 3<sup>rd</sup> Precinct responded to a "Shots Fired" run in the area of Elsmere and Fulton. The officers obtained a description from citizens and began searching the area. The officers observed a vehicle matching the description of the wanted vehicle. As a result of their investigation, one (1) man was arrested for "Carrying Concealed Weapon – Person." Confiscated was a semi automatic handgun.

### FIFTH PRECINCT

On November 10<sup>th</sup>, officers from the 5<sup>th</sup> Precinct while on patrol in the area of Frankfort and Bedford, observed a vehicle driving at a high rate of speed. The officers initiated a traffic stop. After a brief foot chase, the man was arrested for "Possession of a Stolen Motor Vehicle."

### SEVENTH PRECINCT

On November 8<sup>th</sup>, officers of the 7<sup>th</sup> Precinct responded to a police run in the 9000 block of Holcomb on an "Aircraft Accident." An investigation revealed that upon leaving the airport the pilot discovered there was engine trouble; the plane crashed into two (2)

houses. Fortunately, no one was seriously injured. The officers and citizens in the area worked together to ensure that the occupants of the homes and the pilots were rendered aid until the paramedics arrived on the scene.

#### TENTH PRECINCT

On November 16<sup>th</sup>, officers of the 10<sup>th</sup> Precinct were on patrol in the area of Chicago and Savery. The officers observed a vehicle that matched the description of a stolen vehicle reported via the police radio earlier in that day. [The officers initiated a traffic stop, which resulted in the arrest of a man and a woman for "Possession of a Stolen Motor Vehicle."](#)

#### THIRTEENTH PRECINCT

On November 1<sup>st</sup>, officers of the 12<sup>th</sup> Precinct received information as to the whereabouts of a stolen Habitat for Humanity truck, and nearly \$6,000 worth of materials that was being used to build a home for a needy family. As a result of an investigation, three (3) men were arrested for numerous thefts and property crimes including "Receiving and Concealing" and "Habitual 4<sup>th</sup>."

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**Chief of Police Ella M. Bully-Cummings**

### **6. PRESENTATION – PLANNING & ACCREDITATION**

**Insp. Fields** from the Planning and Accreditation Section gave the following PowerPoint presentation:

**(See Attachments)**

#### **Questions & Answers**

**Comm. Norris** asked are there five in the state?

**Inspector Fields** stated currently the only agencies that are credited in the state are Port Huron, Wyoming, Monroe, and they are all relatively small.

**Comm. Norris** stated my understanding is with the material that you gave us, what you have to do in order to comply gets harder.

**Insp. Fields** stated Ann Arbor was credited, but I believe that they dropped out of the process.

### **7. APPROVAL OF GENERAL ORDER**

- **DIRECTIVE 401.1: PERFORMANCE EVALUATION RATINGS**

**MOTION:**     **Comm. Hampton** made the motion to approve the above Minutes.

**SECOND:**    **Comm. Norris** seconded the motion.

**VOTE:**       All in attendance voted in the affirmative.

## **8. OTHER BUSINESS**

There was no other business.

## **9. ANNOUNCEMENT OF NEXT MEETING**

**Tuesday, November 23, 2004 @ 3:00 p.m.**  
**Police Headquarters**  
**1300 Beaubien, Rm. 328-A**  
**Detroit, MI 48226**

## **10. ORAL COMMUNICATION FROM THE AUDIENCE**

**Ron Scott** asked the Commissioners if they could clarify the matter involving Sergeant Loftis and the contravention relative to the suspension without pay. It is my understanding, that in relationship to the transition of the cultural context, in which the department had in the past, to the new one, that there needs to be a line of authority which says that essentially individuals in the para military institution are to follow orders changed circumstances at their own whim. Than in fact we can't be sure that the same context would be rendered to the public. So, essentially there has to be as, I understand it a chain of command that is in violent. And, so within that context if you could explain this thinking to me in relationship to the contravention, I would appreciate that.

**Chairperson Blackwell** asked are you talking to Comm. Hampton?

**Comm. Norris** stated we didn't contravene.

**Comm. Hampton** stated looking at all of the circumstances of along term employee and looking at the process. Appealing a process takes quite a long time for an employee with that type of seniority, to receive penalty action of that magnitude with a record that is pretty much unblemished. Some of the problems with that that I have is how it was administered. He asked did it come from the department or did it come from internal affairs? If so, then maybe it should have been directly from her supervisor, given certain

directions that they set forth. So, I think there is a break down of communication.

**Mr. Scott** stated the question is whether or not the fact that was render were those actually the facts as I have heard last week, in terms of what was done and what was not done?

**Comm. Hampton** stated pretty much, pretty much.

**Mr. Scott** asked from a labor standpoint, do you think that this perhaps could have been handled in a different manner?

**Comm. Hampton** stated correct.

**Mr. Scott** stated okay.

**Comm. Hampton** stated I think that if you run a traffic light, the citation maybe issued as a warning as opposed to robbing a bank and then you would go directly to jail. So, it is the magnitude of the violation.

**Chairperson Blackwell** stated one of the problems was that when this first came up, I gave a lot of debate and I was very concerned with suspending with pay. Because when you first read it you were ordered to stop and seek proper authorization, they didn't do that even after being given a warning. Because when they were ordered to cease and desist they didn't. And, that's when I thought at that point regardless whether if somebody has been working for twenty (20) years or thirty (30) years or not, if they continually violate a direct order, you are not only going to have a breakdown in department in terms of the chain of command, but your also going to have the undermining of authority from the top down. What I mean is that other officers that look at this action that we took and then now we untook. And, obviously a Commissioner has the right to come to a subsequent meeting and contravene when they get the information, but what I think happened is that they missed some of the debate that was helpful to me because I was very concerned. I think Nancy Ninowski and other who presented that as well as the chief at the end made the compelling point that really made it that we can't have someone directly violate a direct order. And this person was given an opportunity to follow an order even though they were working without the proper authorization and didn't even do that. So, for me I was comfortable at that point. Obviously, looking at the file you can read it and if you just looked at it there would be confusion. Because I was just concerned about reading just reading the file, but when you heard a debate last week, I think one the things we have to be very careful with, is that we can't really discuss before we come here and that's why it's kind of happened right at the meeting. You cant really, I guess he could discuss it with me as the chair but we couldn't discuss it in a formal setting where the violation of the Open Meetings Act.



So, in the future we just have to try to find a way to give all of our colleagues whether it be me or any one else that misses the meetings the benefit of the debate because that's much more than just the written text that I went by when I first got it, but having heard the debate from both sides then it was pretty clear that this person was pretty defiant. I know it's hard in labor to deal with the person work record, but the Detroit Police Department is so different from an ordinary union, in terms of changing commands and so para military and so necessary to follow that. I've learned that and I respect that even though there are circumstances where I may not agree with what the Chief bring forward on issues of violating a direct commands over and over again. I kind of lose all of the positive arguments that one may be trying to make in the aspect of violating the order unless the person's life was putting a person's life at risk or having someone do something that was of a criminal nature. So that's kind of where we are but I know that it is a concern because it is just not one issue. This is a bigger and broader issue of the department's decorum. I think that we were maybe get a chance to talk one on one with the two Commissioners that did contravene and see if that is their position and if it is, than it is. But if it isn't then we would have to bring this issue back. Because I think the last thing that we want to do is with all this stuff going on is send the wrong signal.

**Mr. Scott** stated that is my only concern. It is so intransitively important organizationally. I think that all of you remember, in relationship to the first days and early days of affirmative action, when issues were rendered from the top of the organization. It is the mid-level that essentially if you choose contravened what was done at the top. So, within that context I just raised that and just to be sensitive to those issues and so that the standard that's rendered in the future would be considerate of those concerns. And I'm sure Commissioner Hampton is a very, very serious advocate laborer I understand that and I respect that. I just wanted to at least raise those concerns. Because I know that some of those that we have mentioned in the past organizationally, in those cases we end up talking to sergeants and lieutenants about issues community wise. And so they are very very significant individuals within the organizational structure and how they function transmits certain cultural frameworks, maybe even more closely than the commanders, inspectors and the chiefs.

**Aaron Macauley** stated I am here regarding my appeal to be a Detroit Police Cadet. Last time, I was here on November 4, 2004 and Director Weekes told me that there is no time and that my file has been sent back to the clinic. Within that time I have called the clinic and spoken with the clinic and they assured me that my file is not at the clinic and that it could be at Medical Section. In that time I called the Medical Section and I spoke with Sgt. Facenberry and she assured me that my file is not at the Medical Section either. He asked when will I receive an answer regarding the status of my appeal.

**Chairperson Blackwell** stated Chief Bully-Cummings just stated that she will personally look into this matter.

**11. ADJOURNMENT**

The meeting was adjourned at 3:45 p.m.

Respectfully submitted,

**DANTE' L. GOSS**  
Executive Director  
Board of Police Commissioners

**DLG/kdw**